

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Timothy Hoover, depose and state as follows:

**BACKGROUND OF AFFIANT**

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since August 2001. I am currently assigned to the ATF Boston Field Division, Manchester, New Hampshire Field Office, and charged with investigating criminal offenses involving the federal firearms, explosives, arson, alcohol, and tobacco diversion laws.

2. I have been a Certified Explosives Specialist (CES) since 2003. I have received extensive training in the federal explosive laws and am familiar with ATF's regulations regarding explosives. I have participated in numerous explosive investigations that have resulted in the execution of Federal search and arrest warrants.

3. I have also served search warrants for various crimes and have made criminal arrests for firearm and controlled substance violations. I participated in state and federal investigations involving possession of illegal weapons including firearms, improvised explosive devices and possession of controlled substances. I also conducted numerous investigative stops and probable cause searches of people and vehicles. I participated in physical surveillance operations and participated in the execution of state and federal arrest warrants. Based on my training, knowledge, and experience, I am familiar with the manner and means commonly used regarding illegally possessed and manufactured destructive devices. I am familiar with the use of improvised explosive devices and destructive devices without required identification markings and additional methods used to conceal the identification of a destructive device to hinder law enforcement from being able to link such devices to the prohibited and/or illegal possessor.

**PURPOSE OF AFFIDAVIT**

4. This Affidavit is submitted in support of the issuance of a criminal complaint, under Rules 4 and 4.1 of the Federal Rules of Criminal Procedure, charging DALE STEWART JR. (hereinafter “STEWART”) with violations of 26 U.S.C. § 5861(d) (possessing an unregistered firearm, to wit: a destructive device) and 26 U.S.C. § 5861(i) (possessing a destructive device unidentified by serial number). As set forth herein, I submit there is probable cause to believe that STEWART has committed these violations in the District of New Hampshire.

5. The information set forth in this Affidavit is based on my personal participation in this investigation, as well as my training and experience, and information received from other law enforcement officers. I have not set forth every detail I or other law enforcement agents know about this investigation but have set forth facts that I believe are sufficient to evaluate probable cause of the issuance of the requested complaint.

**STATUTORY AUTHORITY**

6. The National Firearms Act (NFA) is a comprehensive taxing scheme that regulates the manufacture, sale, and transfer of certain especially dangerous and concealable weapons. Under the NFA, a manufacturer, importer, or dealer of a covered firearm, to include destructive devices, must register with the ATF, pay an occupational excise tax, and register each firearm with ATF in the National Firearms Registration and Transfer Record (NFRTR). 26 U.S.C. § 5841.

7. The word “firearm” is a term of art which has a particularized meaning in the context of the NFA and embraces only certain weapons. The term “firearm” includes “a destructive device.” 26 U.S.C. § 5845(a)(8). The term “destructive device” includes “any

explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces.” 26 U.S.C. § 5845(f)(1).

8. 26 U.S.C. § 5861(d) makes it unlawful for any person “to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record”.

9. 26 U.S.C. § 5861(i) makes it unlawful for any person “to receive or possess a firearm which is not identified by a serial number as required by this chapter”.

### **INVESTIGATION BACKGROUND**

10. On April 27, 2023, the Weare Police Department applied for and were granted a State of New Hampshire search warrant for a 2019 gray Chevrolet Silverado Trail Boss, bearing New Hampshire registration [REDACTED] and bearing vehicle identification number (VIN) [REDACTED], registered to Dale STEWART of [REDACTED], pursuant to an investigation of two explosions in the Town of Weare, New Hampshire, on April 26, 2023 and April 27, 2023.

11. Prior to obtaining the state search warrant for the vehicle, on April 27, 2023, during a *Mirandized* recorded interview, STEWART admitted to constructing and detonating the two destructive devices, on April 26, 2023 and April 27, 2023, in Weare, New Hampshire. STEWART also admitted to manufacturing a third destructive device at his residence at [REDACTED], which at that time was located inside of STEWART’s aforementioned gray Chevrolet Silverado.

12. Investigators obtained and executed the state search warrant for the gray Chevrolet Silverado later on April 27, 2023. Pursuant to the search warrant, law enforcement retrieved a destructive device, constructed of white PVC pipe, with glued end caps, wrapped in

black electrical tape, with a green hobby fuse protruding from one of the end caps. The destructive device had no visible serial numbers as observed by investigators. The destructive device was rendered safe by the New Hampshire State Police Bomb Squad and found to contain more than 4 ounces of an explosive material, consistent with contents of the nearly empty containers of Triple Seven propellant powder located inside of the vehicle. This destructive device was consistent with the manufacturing of the two recovered suspected destructive devices from the two separate detonation scenes in Weare, New Hampshire, on April 26, 2023 and April 27, 2023.

13. On April 27, 2023, I examined the destructive device located in the box removed from the right rear passenger area of STEWART's gray Chevrolet Silverado. The object appeared to be constructed out of the same materials found at the explosive scenes in Weare, New Hampshire, on April 26, 2023 and April 27, 2023. I know that from my training and experience in investigating improvised explosive devices that the observed object was consistent with a pipe bomb. Photographs of the destructive device are shown below.





















14. On April 28, 2023, the New Hampshire State Police Bomb Squad conducted a thermal test of the suspected explosive material located inside of the destructive device and determined the material to react consistent with energetic material used in pipe bombs.



15. Based on my personal examination, as well as my training and experience, I believe that the destructive device meets the definitions of a “firearm” as set forth in 26 U.S.C. § 5845(a)(8) and “destructive device” as set forth in 26 U.S.C. § 5845(f)(1).

16. Further, on April 28, 2023, ATF Special Agent Bomb Technician Richard Donahue provided photographs of the destructive device to ATF Explosives Enforcement Officer Michael Eldredge of the ATF National Center of Explosives Training and Research (NCETR) in Huntsville, Alabama. After reviewing the photographs, Officer Eldredge concluded—pending laboratory analysis, a final physical examination, and a formal written determination by the Explosives Enforcement Branch—that the item would be properly identified as a destructive device, as defined in 26 U.S.C. § 5845(f), and would be regulated in accordance with the Federal Firearms Regulations.

17. Based on my training and experience, I know that a firearm, to include a destructive device, without a serial number could not be registered to the NFRTR and therefore cannot be lawfully possessed and was inherently illegal.

18. On April 28, 2023, I conducted a search of the NFRTR for any registration of destructive devices by STEWART. The search yielded negative results. There were no such devices registered by STEWART in the NFRTR.

19. On April 27, 2023, the Weare Police Department, New Hampshire State Police, and ATF executed a state search warrant of STEWART’s residence at [REDACTED], [REDACTED], and seized green hobby fuse and a partial constructed PVC pipe with a glued end cap, which had been drilled consistent with feeding a hobby fuse through it. The PVC pipe with glued end cap and hobby fuse were consistent with those of the seized destructive



device located in STEWART's 2019 Chevrolet Silverado. Additionally, investigators located significant amount of commercially manufactured fireworks.

**CONCLUSION**

20. I submit that the facts contained in this Affidavit establish probable cause to believe that DALE STEWART JR. has possessed an unregistered firearm, to wit: a destructive device, in violation of 26 U.S.C. § 5861(d), and possessed a firearm unidentified by a serial number, in violation of 26 U.S.C. § 5861(i). Therefore, I respectfully request that a criminal complaint be issued, under Rules 4 and 4.1 of the Federal Rules of Criminal Procedure, to charge and support the arrest of DALE STEWART JR. with violations 26 U.S.C. § 5861(d) and 26 U.S.C. § 5861(i). Signed under the pains and penalties of perjury this 28th day of April 2023.

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/s/ Timothy Hoover

Timothy Hoover  
ATF Special Agent

The affiant appeared before me by telephonic conference on this date pursuant to Fed. R. Crim. P. 4.1 and affirmed under oath the content of this affidavit and application.

Date: 4/28/2023

Time: 4:37 PM

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/s/ Daniel J. Lynch

DANIEL J. LYNCH  
UNITED STATES MAGISTRATE JUDGE